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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,589	02/25/2002	Tadaaki Yoneda	02860.0704	8702
22852	7590	03/03/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/080,589	YONEDA, TADA AKI	
	Examiner Lin Ye	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 January 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12 and 14-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 12 and 14-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/11/2006 has been entered.
  
2. Applicant's arguments with respect to amended claims 12 and 14-17 filed on 1/11/2006 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 12 and 14-17 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to the new amended claims 12 and 14-17, the applicant amended claims 12 and 14-17 that state applying “non-dynamically allocated”. The limitation “non-dynamically allocated” is not described in the specification.

Appropriate correction is required.

For examination purpose, this claim will be interpreted as it is best understood.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi U.S. Patent 6,469,738 in view of applicant's admitted Prior Art.

Referring to claim 12, the Hayashi reference discloses in Figure 4, a digital still camera, comprising: an image-capturing section (CCD sensor 21 see Col. 13, lines 3-10) for outputting electric signals from a picked-up image to generate image data; a camera controller including a CPU (40, See Col. 14, lines 4-15); a memory (a flash memory 41, See

Col. 14, lines 16-23) including a first non-dynamically (physically) allocated storing region (program region 411, see Col.16, lines 42-49) for storing a camera control program (e.g., compression, unfreezing , frame calculation) required for the CPU and a second non-dynamically allocated storing region (image region 412, See Col. 14, lines 9-22) for storing said image data, wherein the camera controller (CPU 5) is adapted to read out the camera control program in the first non-dynamically storing region (411), and writing image data in the second non-dynamically storing region (412). However, the Ogawa reference does not explicitly show the second non-dynamically storing region also including a camera control data specific to the digital still camera and recorded during a manufacturing process; and wherein the camera controller (CPU 5) is adapted to read out the camera control program in the first non-dynamically storing region (411) **while** writing image data in the second non-dynamically storing region (412).

The applicant's admitted Prior Art discloses in page 21, lines 4-10, "Recently, some flash memory manufactures have put, **on the market**, multi-bank type flash memory chips which allows reading from one memory bank **while** writing or erasing in another memory bank. Due to this memory technology, it is possible to locate both program code space and a memory space for storage for images and/or camera control values in manufacturing processes in the same memory device". The applicant applicant's admitted Prior Art is evidence that one of ordinary skill in the art at the time to see more advantages that a multi-bank type flash memory chips which allows reading from one memory bank **while** writing or erasing in another memory bank so that significantly increasing the digital camera system processing speed; and a memory space for storage for images and/or camera control values in

manufacturing processes in the same memory device so that the digital system can be made more compact and portable. For that reason, it would have been obvious to one of ordinary skill in the art to modify the camera system of Hayashi ('738) by providing the second non-dynamically storing region including a camera control data specific to the digital still camera and recorded during a manufacturing process; and wherein the camera controller is adapted to read out the camera control program in the first non-dynamically storing region while writing image data in the second non-dynamically storing region as taught by applicant's admitted Prior Art.

Referring to claim 15, the Hayashi reference discloses wherein said memory (flash memory 41) is a non-volatile memory (e.g., even in case of the power shutoff the memory contents at that time are maintained, see Col. 14, lines 19-20).

Referring to claim 17, the Hayashi reference discloses an interface (42) for connecting to a personal computer (PC 50) as shown in Figure 4, wherein the first non-dynamically allocated storing region is adapted to store a program for installation in the personal computer via the interface (e.g., for the exclusive software for the personal computer 50 to be installed, see Col. 15, lines 10-13).

8. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi U.S. Patent 6,469,738 in view of applicant's admitted Prior Art and Tsutsui U.S. Patent 6,704,047.

Referring to claims 14 and 16, the Hayashi reference and applicant's admitted Prior Art disclose all subject matter as discussed with respect to claim 12, and the Hayashi reference

show the flash memory (41) can be any type of storage medium, such as RAM, EEPROM, hard disk, etc. (See Col. 18, lines 18-21). However, the Hayashi reference does not explicitly show the first non-dynamically storing region and the second non-dynamically storing region each include a plurality of storage units; and wherein the first non-dynamically allocated storing region includes a boot program area for the CPU.

The Tsutsui reference teaches in Figures 1 and 2, a digital still camera including a memory card (9); the memory card (9) including a first non-dynamically allocated storing region (memory control area 95) and a second non-dynamically allocated storing region (data file area 99); and first non-dynamically storing region (95) and the second non-dynamically storing region (99) each include a plurality of storage units (e.g., boot sector area 93, fat area 97, directory entry area 98, image data file area 100, speech data file area 101 and relational file area 102 as shown in Figure 2); and the CPU (13) read out Dos information from the memory control area 95 on the common memory 92 (DOS information including boot program 96, a FAT 97, and a directory entry 98). The Tsutsui reference is evidence that one of ordinary skill in the art at the time to see more advantages the first non-dynamically allocated storing region includes a boot program area for the CPU so that the CPU can easily determine whether the memory device existed when system started; and the first non-dynamically storing region and the second non-dynamically storing region each include a plurality of storage units so that the digital camera system have more flexible options to store any different type of program and data in the same memory device. For that reason, it would have been obvious to one of ordinary skill in the art to modify the camera system of Hayashi ('738) by providing the first non-dynamically storing region and the second non-dynamically

storing region each include a plurality of storage units; and wherein the first non-dynamically allocated storing region includes a boot program area for the CPU as taught by Tsutsui ('047).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye  
Examiner  
Technology Division 2622